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Atty. Dkt. No. 074129-0486

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yoshihiro TAKEMOTO et al.

Title: A METHOD AND APPARATUS  
FOR MANUFACTURING  
SYNTHETIC RESIN HOLLOW  
MEMBER INCORPORATING AN  
INTERMEDIATE ELEMENT  
THEREIN AND THE  
SYNTHETIC RESIN HOLLOW  
MEMBER

Appl. No.: 09/925,789

Filing Date: 8/10/2001

Examiner: Edmund H. Lee

Art Unit: 1732

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154 (b)**

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Allowance dated February 25, 2005, allowing claim 2. However, Applicants disagree with the Determination of Patent Term Adjustment under 35 USC 154(b) and present the following facts to support their contention that the patent term reward should be 719 days instead of 530 days due to PTO examination delay.

**Bases for the Adjustment:**

1. The present application was filed on August 10, 2001, therefore, as of August 10, 2004, the application was pending for longer than three years. The issue fee is being paid separately even date, May 23, 2005. If the patent issues on the Tuesday before the date that is

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28 weeks (six and a half months) after the mailing date of the Notice of Allowance, the Patent Term Adjustment should be 719 days. This patent application is not subject to a terminal disclaimer.

2. Applicants' response to the Restriction Requirement mailed on July 9, 2004, was received by the PTO on August 6, 2004. In response to a telephone call from the examiner indicating that no response had been received, applicants faxed to the examiner on January 25, 2005, a copy of the response of August 6, 2004 and the return postcard indicating PTO receipt of the response on August 6, 2004 (copies enclosed).

Upon review of the PTO's calculation of the Patent Term Adjustment via the PAIR system, applicants note that the date of receipt of applicants' response to the July 8, 2004 Restriction Requirement is January 25, 2005, which date should actually be August 6, 2004. An entry for "Workflow incoming amendment IFW" appears for August 6, 2004. These incorrect entries resulted in an erroneous reduction of applicants' Patent Term Adjustment of 108 days, when actually an additional 81 days should have been added to the PTO's delay.

Correct Patent Term Adjustment: Below is Applicants' calculation of Patent Term Adjustment, indicating that the adjustment should be 719 days:

Docket Number: 074129-0486  
 Application Number: 09/925789  
 Patent Number: N/A

Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Application Filing Date	08/10/2001	0		
14 month From Application date	10/10/2002	426		
Restriction Requirement	07/09/2004	1,064	638	
Restriction Requirement Response Received at PTO	08/06/2004	1,092		
Notice of Allowance	02/25/2005	1,295	81	
Issue Fee Paid	05/23/2005	1,382		
Projected Patent Grant Date	09/06/2005	1,488		
	719	0		
	719			

FAILURE TO ENGAGE: Applicants submit that there was no failure to engage in reasonable efforts to conclude processing of the application on the Applicants' part during prosecution of this application.

Enclosed with this request is the fee of \$200.00 as set forth in 37 C.F.R §1.18(e). Furthermore, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 23, 2005

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By Michael D. Kaminski, Reg. No. 32,404

Harold C. Wegner  
Attorney for Applicant  
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## FACSIMILE TRANSMISSION

**Total # of Pages 3 (including this page)**

TO:	PHONE #:	FAX #:
EXAMINER E. LEE PATENT AND TRADEMARK OFFICE		703-872-9306

**From :** Matthew E. Mulkeen  
**Sender's Direct Dial :** 202.672.5446  
**Date :** January 25, 2005  
**Client/Matter No :** 074129-0486  
**User ID No :** 1100

### MESSAGE:

**Re: Y. TAKEMOTO et al.**

**Serial No.: 09/925,789**

**Filed: 08/10/2001**

**Art Unit: 1732**

**Examiner: Edmund H. Lee**

**For: A METHOD AND APPARATUS FOR MANUFACTURING SYNTHETIC RESIN HOLLOW MEMBER INCORPORATING AN INTERMEDIATE ELEMENT THEREIN AND THE SYNTHETIC RESIN HOLLOW MEMBER**

**Attached are copies of the response to the restriction requirement on the captioned application that was received by the PTO on August 6, 2004 as indicated in the postcard. If you have any questions I can be reached at 202-672-5446. Thank you.**

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To: Maria C. Burgos
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Title: A METHOD AND APPARATUS FOR MANUFACTURING SYNTHETIC RESIN  
HOLLOW MEMBER INCORPORATING AN INTERMEDIATE ELEMENT THEREIN  
AND THE SYNTHETIC RESIN HOLLOW MEMBER  
Inventor(s): Yoshihiro TAKEMOTO et al. Dkt. No. 074129-0486  
Appl. No.: 09/925,789 HCW (8/6/04)

- Response to Restriction Requirement (1 pg.).

Due Date: August 9, 2004  
Date Filed: August 6, 2004

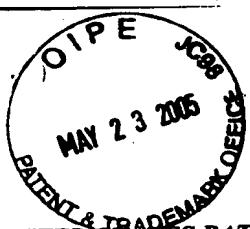
Attorney Initials: HCW/MEMU:mb  
Insp. By: *XSM*



**Best Available Copy**

Atty. Dkt. No. 074129-0486

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



**Applicant:** Yoshihiro TAKEMOTO et al.

**Title:** A METHOD AND APPARATUS FOR MANUFACTURING  
SYNTHETIC RESIN HOLLOW MEMBER INCORPORATING  
AN INTERMEDIATE ELEMENT THEREIN AND THE  
SYNTHETIC RESIN HOLLOW MEMBER

**Appl. No.:** 09/925,789

**Filing Date:** 08/10/2001

**Examiner:** Edmund H. Lee

**Art Unit:** 1732

**RESPONSE TO RESTRICTION REQUIREMENT**

**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed July 9, 2004, Applicants hereby elect Group II, Claim 2, for examination.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew E. Mulkeen".

Date August 6, 2004

**FOLEY & LARDNER LLP**  
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